

REMARKS

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations and was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, claims 22, 29, 31 and 33 have been canceled. Claims 6, 14 and 16-18 have been amended. Support for the amendments to the claims can be found in the specification at least on page 2, lines 28-29; page 3, lines 1-5; page 4, lines 18-29; page 6, lines 15-16; and page 7, lines 10-12. Claims 4, 6, 14, 16-18, 21, 24-26 and 32 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §103

Claims 4, 6, 14, 16-18, 21-22, 24-26, 29 and 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kubischta et al. (US 2002/0042915; hereafter "**Kubischta**") in view of Shen et al. (US 6,401,059; hereafter "**Shen**"). With

respect to claims 22, 29, 31 and 33, the same have been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 6, Applicant respectfully traverses this rejection on the grounds that the **Kubischta** and **Shen** references are defective in establishing a prima facie case of obviousness.

Independent claim 6, as now presented, more clearly recites, inter alia, "wherein each control code set in the database corresponds to a given *dedicated proprietary* remote control device ... the extensible mark-up language format control code set for each specified apparatus to be controlled including (1) a code set representative of commands to control a state of the specified apparatus to be controlled and (2) code to control the touch screen GUI of the universal programmable remote control device to display a *graphical representation* ... wherein the *graphical representation* comprises an image of icons and soft keys corresponding to an image of actual control panel hard keys of the respective *dedicated proprietary* remote control device of the specified apparatus to be controlled to thereby enable quick recognition of the dedicated proprietary remote control device while manipulating the universal programmable remote control device; the *control code set* not being usable by the universal programmable remote control device or by the specified apparatus to be controlled until the control code set is converted via an extensible stylesheet language (XSL) application into commands for installation and local processing on the universal programmable remote control device ... independent of the internet, wherein the specified apparatus to be controlled is not preconfigured to deliver or cause delivery of its respective control code set to *any* control device; enabling the universal programmable remote control device to convert the installed and locally processed control code set into (1) associated commands to control the specified apparatus and (2) the *soft keys* and the *graphical representation* of the icons ... such that the touch screen GUI of the universal programmable remote control device depicts the image of the actual control panel of the dedicated proprietary remote control device

corresponding to the specified apparatus; and using the soft keys of the displayed control panel image of the respective dedicated proprietary remote control device on the touch screen GUI to enable the universal programmable remote control device to send commands to the specified apparatus to be controlled via the IR or RF transmission (emphasis added). Support for the amendments to claim 6 can be found in the specification at least on page 2, lines 28-29; page 3, lines 1-5; page 4, lines 18-29; page 6, lines 15-16; and page 7, lines 10-12.

Applicant submits that neither **Kubischta** nor **Shen** discloses nor suggests at least the aforementioned feature of independent claim 6. In particular, it is submitted that the primary citation to **Kubischta** does not teach the feature of a touch screen GUI to display a graphical representation of the actual control panel of the “dedicated proprietary remote control device of the specified apparatus.” It is further submitted that the secondary citation to the **Shen** does not remedy the conceded deficiency in the primary citation to **Kubischta**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Kubischta** and **Shen** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action alleges that **Kubischta** expressly discloses the features of the touch screen GUI to display a graphical representation of the control panel of the dedicated remote of the specified apparatus including buttons (figure 2). (Office Action, page 4). Applicant respectfully submits that such a position is mistaken. Figure 2 of **Kubischta** teaches dedicated hard display buttons 232 and hard control buttons 234 of remote control 204. An electronic program guide 240 is displayed on the remote display device 220 of the remote control 204. (See Kubischta at paragraph [0034]). It is respectfully submitted that such an electronic program guide 240 displayed on the remote display device 220 does not teach or suggest “a graphical representation of the actual control panel hard keys of a dedicated proprietary remote control device of a specified apparatus to be controlled to thereby enable quick recognition of the dedicated proprietary remote control device while manipulating the universal programmable

remote control device." Accordingly, **Kubischta** does not disclose "a graphical representation of the actual control panel hard keys of a dedicated proprietary remote control device of a specified apparatus to be controlled to thereby enable quick recognition of the dedicated proprietary remote control device while manipulating the universal programmable remote control device."

The Office Action further concedes that **Kubischta** does not teach or suggests a display screen including icons and soft keys. (Office Action, page 4). Nonetheless, the Office Action rejects independent claim 6, wherein the Office Action alleges that "Shen et al. teach a PDA screen including icons and soft keys (figure 3, column 3, lines 8-12, lines 60-65: column 1, lines 18-40)." (Office Action, page 4). As presented above, claim 6 has been amended for clarification. In view thereof and as will be explained further herein below, this contention that **Shen** provides necessary disclosure is respectfully traversed.

As disclosed in **Shen** at column 3, lines 8-15, "The software program **212** allows the user to *perform queries on the information*. ... The *results* of the user's query is *displayed* through a graphic user interface (GUI) (not shown) on the PDA **210**" (emphasis added). "The converted information is then filtered based upon user preferences, via step **408**. The TV program information may be filtered to extract only program information concerning certain times, days, channels, or any combination thereof. The converted and filtered TV program information is then transferred to the PDA **210**, via step **410**." (Shen, column 3, lines 60-65). Accordingly, **Shen** does not disclose at least "a graphical representation of the actual control panel hard keys of a dedicated proprietary remote control device of a specified apparatus to be controlled to thereby enable quick recognition of the dedicated proprietary remote control device while manipulating the universal programmable remote control device" as is now recited in claim 6. Thus, **Shen** not provide a disclosure that teaches the aforementioned feature of independent claim 6, nor does **Shen** remedy the aforementioned, conceded deficiency in the primary citation to **Kubischta**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 6 under 35 U.S.C. §103 are respectfully requested. Claim 4 depends from and further limits allowable independent claim 6 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 14 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 14 is believed allowable and an early formal notice thereof is requested. Claim 21 depends from and further limits allowable independent claim 14 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 16 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 16 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 17 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 17 is believed allowable and an early formal notice thereof is requested. Claims 24 and 32 depend from and further limit allowable independent claim 17 and therefore are allowable as well.

Claim 18 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 18 is believed allowable and an early formal notice thereof is requested. Claims 25 and 26 depend from and further limit allowable independent claim 18 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of December 2, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 4, 6, 14, 16-18, 21, 24-26 and 32 is requested.

Respectfully submitted,

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